

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

KITSCH, LLC,

Plaintif-Appellee,

v.

DEEJAYZOO, LLC,

Defendant-Appellant

No. 24-1394

**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT-
APPELLANT**

Robert Greenspoon, Jonathan Hill, Mark Magas (of Dunlap Bennett & Ludwig, PLLC) file this Motion to Withdraw as Counsel for Defendant-Appellant, DeeJayZoo, LLC, and in support thereof assert as follows:

1. Movants are licensed Illinois attorneys admitted to the bar of this Court.
2. The above-captioned appeal arises out of a declaratory judgment action filed by Appellee, with counterclaims for design patent and trademark infringement filed by Appellant, leading to a jury trial in 2023.
3. Movants were formally retained on January 2, 2024 to pursue this appeal, were not trial counsel for Appellant, and had no prior attorney-client relationship with Appellant.

4. The Illinois Rules of Professional Conduct provide that a lawyer may withdraw from representing a client for a variety of alternative reasons, under Rule 1.16(b). To preserve client confidences, Movants aver that at least one such authorized reason exists such that professional considerations merit withdrawal, and that all needed communications and prior notices have occurred. Movants are prepared to explain reasons in greater detail within an *in camera* submission, if that is an absolute requirement of the Court.
5. Movants determined that they cannot proceed with the case in compliance with the Illinois Rules of Professional Conduct and the present circumstances give rise to good cause for withdrawal of counsel.
6. Appellant obtained a 60-day extension of time to file its opening brief, leading to the deadline being moved by the Court to May 28, 2024.
7. Appellant's address is: DeeJayZoo, LLC, c/o Jacquelyn De Jesu 37 Kent Avenue, Brooklyn, New York, 11249.
8. Movants have served written notice of this motion upon Appellants.
9. A Certificate of Service upon the Appellants is included in this motion.
10. Movants have discussed the motion with Appellee's Counsel and Appellee does not oppose.
11. Based on the foregoing, Movants seek leave to withdraw as counsel for Appellants.

WHEREFORE, Movants respectfully request that this Honorable Court grant this Motion to Withdraw as Counsel.

April 1, 2024

Respectfully submitted,

/s/ Robert P. Greenspoon

Robert P. Greenspoon

Jonathan Hill

Mark Magas

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*Counsel for DEEJAYZOO, LLC seeking
leave to withdraw*

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2024 I caused a true and correct copy of the MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT-APPELLANT to be electronically filed with the Court and a copy to be served via Electronic Mail upon the following:

Jacquelyn De Jesu
DeeJayZoo, LLC
37 Kent Avenue
Brooklyn, NY 11249
jackie@shhhowercap.com

April 1, 2024

Respectfully submitted,

/s/ Robert P. Greenspoon

Robert P. Greenspoon

Jonathan Hill

Mark Magas

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*Counsel for DEEJAYZOO, LLC seeking
leave to withdraw*

CERTIFICATE OF COMPLIANCE

I hereby certify under penalty of perjury that this brief complies with the type-volume limitations and contains 323 words, and was prepared in a proportionally spaced typeface using Microsoft Word, Time New Roman size 14 font.

/s/ Robert P. Greenspoon
Robert P. Greenspoon

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 1st day of April 2024, a copy of the foregoing was filed electronically. The filing was served electronically to all parties by operation of the Court's electronic filing system.

/s/ Robert P. Greenspoon

Robert P. Greenspoon

FORM 9. Certificate of Interest

Form 9 (p. 1)
March 2023

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 24-1394

Short Case Caption Kitsch LLC v. Deejayzoo, LLC

Filing Party/Entity Deejayzoo, LLC

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 02/09/2024

Signature: /s/ Robert Greenspoon

Name: Robert Greenspoon

FORM 9. Certificate of Interest

Form 9 (p. 2)
March 2023

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
Deejayzoo, LLC		

☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable ☒ Additional pages attached

See Attached.		

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☐ Yes (file separate notice; see below) ☒ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

Fox Rothschild

- John Joseph Shaeffer
- Meeghan Henry Tirtasaputra

Greenberg Trauig

- Herbert Harris Finn
- Jonathan Edward Giroux
- Maja Elizabeth Sherman
- Matthew Ryan Gershman

Jayaram Law Group

- Elizabeth Ann Austermuehle
- Vivek Jayaram

Karish & Bjorgum

- Alfred Eric Bjorgum
- Christian Anthony Anstett

The Law Office of Griffin Lee

- Griffin S. Lee